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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,033	10/12/2000	Howard J. Glaser	STL920000062US1	8030
24852	7590	12/22/2004	EXAMINER	
INTERNATIONAL BUSINESS MACHINES CORP			KENDALL, CHUCK O	
IP LAW			ART UNIT	
555 BAILEY AVENUE , J46/G4			PAPER NUMBER	
SAN JOSE, CA 95141			2122	

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/687,033

Applicant(s)

GLASER ET AL

Examiner

Chuck Kendall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to the amendment filed on August 03, 2004.
2. Claims 1 – 21 are pending in this Application.

### Claim Rejections - 35 USC 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 8, 11, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner (U.S. Patent Number 6,314,565) in view of Stedman et al. (U.S. Patent Number 6,262,726) and further in view of Hsu (U.S. Patent Number 5,894,515).

In regard to Claim 1, Kenner teaches: (a) defining a configuration of the application program (Column 7, lines 5- 12); and (c) building the application program according to the configuration column 8, lines 30-4 1), as well as authenticating the particular user in response to the particular user requesting the application program (4:65 – 5: 5, also see 8: 1 – 5, which shows verifying user name before permitting download (i.e., authentication)). Kenner does not expressly disclose defining user configuration of the application program corresponding to a particular user of the application program, although Kenner does disclose a software update tool, which “analyzes configuration information from the user terminal” (4:54 – 58), and also being able to advise the user regarding the availability, of software which can be used to upgrade software preexisting on the user’s terminal (4:58 – 61). Stedman, however, does teach storing user configurations of an operating system for the purposes of application customization (column 6, lines 58-62). Neither Kenner nor Stedman teach encrypting the configuration in a manifest file, authorizing a user in response to a user

request for the application program, and decrypting the manifest file to produce a decrypted configuration. However, Hsu does teach encrypting data, authorizing a user, and in response to authorizing a user, decrypting the data (column 1, lines 13 – 21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of defining a configuration of the application program and building the application program according to a configuration, where the configuration is a user configuration, as taught by Stedman, since this allows different users to access different requested software from the same machine, and the configuration is encrypted in a manifest file, authorizing a user in response to a user request for the application program, and decrypting the manifest file to produce a decrypted configuration, as taught by Hsu, since this allows the manifest to remain secure and only viewable by a specific user.

Claims 8 and 15 are method and system Claims that correspond with article of manufacture Claim 1, and are rejected for the same reasons as Claim 1, where Kenner teaches a method (Figure 2) and system (Figure 1) for said article of manufacture of Claim 1.

For specific rejections of Claims 4, 11, and 18, see the office action mailed on November 5<sup>th</sup>, 2003.

5. Claims 2, 3, 6, 7, 9, 10, 13, 14, 16, 17, 20, and 21 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kenner (U.S. Patent Number 6,314,565) in view of Stedman et al. (U.S. Patent Number 6,262,726) and further in view of Hsu (U.S. Patent Number 5,894,515) and Hayes, Jr. (U.S. Patent Number 6,205,476).

For specific rejections of Claim 2, 3, 6, 7, 9, 10, 13, 14, 16, 17, 20, and 21, see the office action mailed on November 5<sup>th</sup>, 2003.

### ***Response to Arguments***

6. Applicant's arguments filed 08/03/2004 have been fully considered but they are not persuasive. See Examiner's response to arguments below.

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a) Argument (1), Applicant argues that in page 8 of Applicant's response dated 08/03/2004 that neither Kenner, Stedman nor Hsu discloses "authenticating the particular user in response to the particular user requesting the application program...".

Response (1), Examiner believes that prior art in fact does disclose this functionality. As set forth above in claims, and as disclosed in Kenner in column 4: 55 – 5: 5, and also in 8:1 – 5, Kenner teaches an updating tool which checks user configuration on a terminal during the process of updating. Kenner is able to suggest needed software based on a comparison made between user configuration files and a list of upgrades contained in a script file and further, being able to permit downloading of requested applications based on verification of user's configuration i.e., a user name (authentication).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-2723698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-2723695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK.



**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**